

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

THIS DOCUMENT RELATES TO:

All Actions

MDL No. 2419  
Master Dkt. 1:13-md-02419-RWZ

*RwZ*

**[PROPOSED] ORDER ON MOTION FOR  
APPROVAL OF AGREEMENT BETWEEN THE TORT TRUSTEE AND THE  
CENTERS FOR MEDICARE AND MEDICAID SERVICES REGARDING  
RESOLUTION OF CLAIMS FOR REIMBURSEMENT OF HEALTH CARE COSTS**

WHEREAS, the Court has reviewed the proposed agreement negotiated by and on behalf of the Tort Trustee in the NECC Bankruptcy Settlement with the Centers for Medicare and Medicaid Services (“CMS”) and attachments thereto;

WHEREAS, the agreement is still under consideration for approval by the United States Department of Justice (“DOJ”) but an expedited review and approval by this Court will expedite payments to Claimants; and

WHEREAS, the Court held a hearing on August 16, 2016 on the agreement and heard from various counsel concerning the terms of the agreement;

IT IS HEREBY ORDERED that:

1. The agreement as attached as Exhibit A to Lead Counsel’s Motion for Approval [Dkt. No. 3068.] is hereby approved by the Court;
2. Upon approval by the DOJ and the Circuit Court for the County of Livingston, State of Michigan, presiding over *Adair et. al v. Michigan Pain Specialist LLC et. al.* (Dkt. 14-28156-NO), (the “MPS COURT”) and finalization of the agreement as filed, the Tort Trustee,

Lead Counsel, or their designees, shall implement the terms of the agreement in order to expedite payments to Claimants as quickly as administratively possible; and

3. If the agreement is not approved by the DOJ or the MPS Court, the parties will so inform this Court immediately. If in the event the DOJ or the MPS Court insist on changes to the agreement that materially alter the terms of the agreement as presented to this Court in the August 16, 2016 hearing, the parties shall so inform the Court and seek Court approval of any material changes. If changes are required by the DOJ or the MPS Court that do not materially alter the terms of the agreement as presented to this Court in that hearing, the Tort Trustee may enter into the agreement and proceed with implementation without seeking further leave of Court.

IT IS SO ORDERED.

DATED: *August 24, 2016*

  
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Hon. Rya W. Zobel  
United States District Judge